

110TH CONGRESS
1ST SESSION

H. R. 1132

To amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2007

Ms. BALDWIN (for herself, Mrs. MYRICK, Mr. WAXMAN, Mrs. BLACKBURN, and Mrs. CAPPS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Breast and
5 Cervical Cancer Early Detection Program Reauthorization
6 Act of 2007”.

1 **SEC. 2. NATIONAL BREAST AND CERVICAL CANCER EARLY**
2 **DETECTION PROGRAM.**

3 Title XV of the Public Health Service Act (42 U.S.C.
4 300k et seq.) is amended—

5 (1) in section 1501(d)—

6 (A) in the heading, by striking “2000” and
7 inserting “2020”; and

8 (B) by striking “by the year 2000” and in-
9 serting “by the year 2020”;

10 (2) in section 1503, by adding at the end the
11 following:

12 “(d) WAIVER OF SERVICES REQUIREMENT ON DIVI-
13 SION OF FUNDS.—

14 “(1) IN GENERAL.—The Secretary shall estab-
15 lish a demonstration project under which the Sec-
16 retary, acting through the Director of the Centers
17 for Disease Control and Prevention, may waive the
18 requirements of paragraphs (1) and (4) of sub-
19 section (a) for not more than 5 States, if—

20 “(A)(i) the State involved will use the
21 waiver to leverage private funds to supplement
22 each of the services or activities described in
23 paragraphs (1) and (2) of section 1501(a); or

24 “(ii) the application of such requirement
25 would result in a barrier to the enrollment of
26 qualifying women;

1 “(B) the State involved provides assur-
2 ances that the State will, on an annual basis,
3 demonstrate to the Secretary the manner in
4 which the State will use such waiver to main-
5 tain or expand the level of screening and follow-
6 up services provided immediately prior to the
7 waiver, and provide documentation of compli-
8 ance with such maintenance or expansion re-
9 quirement;

10 “(C) the State involved submits to the Sec-
11 retary a plan for maintaining the level of activi-
12 ties carried out under the waiver after the expi-
13 ration of the waiver;

14 “(D) the Secretary finds that granting
15 such a waiver to a State will not reduce the
16 number of women in the State that receive each
17 of the services or activities described in para-
18 graphs (1) and (2) of section 1501(a), including
19 making available screening procedures for both
20 breast and cervical cancers; and

21 “(E) the Secretary finds that granting
22 such a waiver to a State will not adversely af-
23 fect the quality of each of the services or activi-
24 ties described in paragraphs (1) and (2) of sec-
25 tion 1501(a).

1 “(2) DURATION OF WAIVER.—

2 “(A) IN GENERAL.—In granting waivers
3 under paragraph (1), the Secretary—

4 “(i) shall grant such waivers for a pe-
5 riod of 2 years; and

6 “(ii) upon request of a State, may ex-
7 tend a waiver for an additional 2-year pe-
8 riod in accordance with subparagraph (B).

9 “(B) ADDITIONAL PERIOD.—The Sec-
10 retary, upon the request of a State that has re-
11 ceived a waiver under paragraph (1), shall, at
12 the end of the 2-year waiver period described in
13 subparagraph (A), review performance under
14 the waiver and may extend the waiver for an
15 additional 2-year period if the Secretary deter-
16 mines that—

17 “(i)(I) without an extension of the
18 waiver, there will be a barrier to the enroll-
19 ment of qualifying women; or

20 “(II) the State requesting such ex-
21 tended waiver will use the waiver to lever-
22 age private funds to supplement the serv-
23 ices or activities described in paragraphs
24 (1) and (2) of section 1501(a);

1 “(ii) the waiver has not, and will not,
2 reduce the number of women in the State
3 that receive the services or activities de-
4 scribed in paragraphs (1) and (2) of sec-
5 tion 1501(a);

6 “(iii) the waiver has not, and will not,
7 result in lower quality in the State of the
8 services or activities described in para-
9 graphs (1) and (2) of section 1501(a); and

10 “(iv) the State has maintained the av-
11 erage annual level of State fiscal expendi-
12 tures for the services and activities de-
13 scribed in paragraphs (1) and (2) of sec-
14 tion 1501(a) for the 2 years for which the
15 waiver was granted at a level that is not
16 less than the level of the State fiscal ex-
17 penditures for such services and activities
18 for the year preceding the first year for
19 which the waiver is granted.

20 “(3) REPORTING REQUIREMENTS.—The Sec-
21 retary shall include as part of the evaluations and
22 reports required under section 1508, the following:

23 “(A) A description of the total amount of
24 dollars leveraged annually from private entities

1 in States receiving a waiver under paragraph
2 (1) and how these amounts were used.

3 “(B) With respect to States receiving a
4 waiver under paragraph (1), a description of
5 the percentage of the grant that is expended on
6 providing each of the services or activities de-
7 scribed in—

8 “(i) paragraphs (1) and (2) of section
9 1501(a); and

10 “(ii) paragraphs (3) through (6) of
11 section 1501(a).

12 “(C) A description of the number of States
13 receiving waivers under paragraph (1) annually.

14 “(D) With respect to States receiving a
15 waiver under paragraph (1), a description of—

16 “(i) the number of women receiving
17 services under paragraphs (1), (2), and (3)
18 of section 1501(a) in programs before and
19 after the granting of such waiver; and

20 “(ii) the average annual level of State
21 fiscal expenditures for the services and ac-
22 tivities described in paragraphs (1) and (2)
23 of section 1501(a) for the year preceding
24 the first year for which the waiver was
25 granted.

1 “(4) LIMITATION.—Amounts to which a waiver
2 applies under this subsection shall not be used to in-
3 crease the number of salaried employees.

4 “(5) DEFINITIONS.—In this subsection:

5 “(A) INDIAN TRIBE.—The term ‘Indian
6 tribe’ has the meaning given the term in section
7 4 of the Indian Health Care Improvement Act
8 (25 U.S.C. 1603).

9 “(B) TRIBAL ORGANIZATION.—The term
10 ‘tribal organization’ has the meaning given the
11 term in section 4 of the Indian Health Care Im-
12 provement Act.

13 “(C) STATE.—The term ‘State’ means
14 each of the several States of the United States,
15 the District of Columbia, the Commonwealth of
16 Puerto Rico, American Samoa, the Common-
17 wealth of the Northern Mariana Islands, the
18 Republic of the Marshall Islands, the Federated
19 States of Micronesia, the Republic of Palau, an
20 Indian tribe, and a tribal organization.”;

21 (3) in section 1508—

22 (A) in subsection (a), by striking “evalua-
23 tions of the extent to which” and all that fol-
24 lows through the period and inserting: “evalua-
25 tions of—

1 “(1) the extent to which States carrying out
2 such programs are in compliance with section
3 1501(a)(2) and with section 1504(c); and

4 “(2) the extent to which each State receiving a
5 grant under this title is in compliance with section
6 1502, including identification of—

7 “(A) the amount of the non-Federal con-
8 tributions by the State for the preceding fiscal
9 year, disaggregated according to the source of
10 the contributions; and

11 “(B) the proportion of such amount of
12 non-Federal contributions relative to the
13 amount of Federal funds provided through the
14 grant to the State for the preceding fiscal
15 year.”; and

16 (B) in subsection (b), by striking “not
17 later than 1 year after the date on which
18 amounts are first appropriated pursuant to sec-
19 tion 1509(a), and annually thereafter” and in-
20 serting “not later than 1 year after the date of
21 the enactment of the National Breast and Cer-
22 vical Cancer Early Detection Program Reau-
23 thorization of 2007, and annually thereafter”;
24 and

25 (4) in section 1510(a)—

1 (A) by striking “and” after “\$150,000,000
2 for fiscal year 1994,”; and

3 (B) by inserting “, \$225,000,000 for fiscal
4 year 2008, \$245,000,000 for fiscal year 2009,
5 \$250,000,000 for fiscal year 2010,
6 \$255,000,000 for fiscal year 2011, and
7 \$275,000,000 for fiscal year 2012” before the
8 period at the end.

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